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THOMAS M. GOULD  
CLERK, U.S. DISTRICT COURT  
W.D. OF TN, MEMPHIS

FILED BY

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AUG 15 2005

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE,  
WESTERN DIVISION

AFTER HOURS DEPOSITORY  
Thomas M. Gould, Clerk  
U. S. District Court  
W. D. OF TN, Memphis

ROY TOWNS,

PETITIONER,

VS.

CAUSE NO.: 03-2707DV

BAPTIST MEMORIAL HOSPITAL FOR  
WOMEN; AND  
BAPTIST MEMORIAL HEALTHCARE  
CORPORATION

RESPONDENTS.

MOTION FOR NONJURY TRIAL BEFORE THE JUDGE  
AND MOTION TO WAIVE TRIAL BY JURY

MOTION

COMES NOW Plaintiff, Roy Towns, by and through his undersigned counsel, and moves this Court for a nonjury trial before the Judge. Plaintiff states the following in support of this motion:

1. Plaintiff has consulted with defendant about plaintiff's waiver of his right to a jury trial and plaintiff's request for a nonjury trial before the Judge. Defendants have refused to consent to a nonjury trial before the Judge.

**MOTION DENIED**

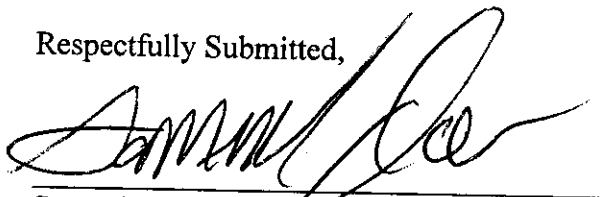
DATE: 8/17/2005

*[Signature]*  
**BERNICE BOUIE DONALD**  
**U.S. DISTRICT JUDGE**

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2. Plaintiff hereby waives his right to a jury trial. Plaintiff's waiver is voluntary, knowing, and intelligent, with sufficient awareness of the relevant circumstances and likely consequences, see *Brady v. United States*, 397 U.S. 742, 748 (1970).

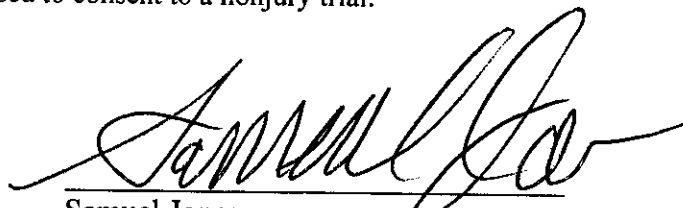
Respectfully Submitted,



Samuel Jones, BPR No. 013849  
Attorney at Law  
147 Jefferson Avenue, Suite 407  
Memphis, TN 38103  
Tel: 901-523-7883

CERTIFICATE OF CONSULTATION

This is to certify that Samuel Jones, counsel for Roy Towns (Plaintiff), consulted with Paul Prather, counsel for Defendants, about plaintiff's request for a nonjury trial before the judge and by letter dated August 10, 2005 counsel for Defendants refused to consent to a nonjury trial.

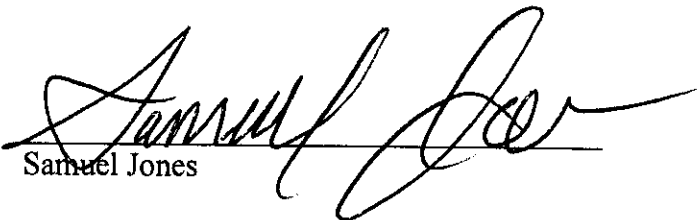
  
Samuel Jones  
Date: 8/15/05

CERTIFICATE OF SERVICE

I, Samuel Jones, certify that a copy of the foregoing has been placed in the U.S. Mail, postage prepaid, addressed to:

Mr. George W. Loveland  
KIESEWETTER WISE  
3725 Champion Hills Drive, Suite 3000  
Memphis, TN 38125

This 1<sup>st</sup> day of August, 2005.

  
Samuel Jones



## Notice of Distribution

This notice confirms a copy of the document docketed as number 72 in case 2:03-CV-02707 was distributed by fax, mail, or direct printing on August 18, 2005 to the parties listed.

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Samuel Jones  
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George W. Loveland  
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3725 Champion Hills Dr.  
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Memphis, TN 38125

Honorable Bernice Donald  
US DISTRICT COURT